CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.435
9 September 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND THIRTY-FIFTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 9 September 1969, at 10.30 a.m.

Chairman: Mr. T. LAHODA (Czechoslovakia)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430)

GE.69-20325

69-35551

PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. O. SARACHO
Brazil:	Mr. P. CABRAL de MELLO
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. M. VEJVODA
	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES
	Mr. I. SARKADI
	Mr. J. PETRAN
	Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

Japan:	Mr. K. ASAKAI
	Mr. T. SENGOKU
Mexico:	Mr. J. CASTANEDA
	Miss E. AGUIRRE
Mongolia:	Mr. M. DUGERSUREN
	Mr. Z. ERENDOO
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
Pakistan:	Mr. S.A.D. BUKHARI
Poland:	Mr. A. CZARKOWSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. C. MITRAN
	Mr. A. SAJU
Sweden:	Mr. A. EDELSTAM
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.B. TOULINOV
	Mr. M.P. SHELEPINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL

United Kingdom:	Mr. T.F. PORTER
	Mr. W.N. HILLIER-FRY
	Mr. R.I.T. CROMARTIE
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. BOZINOVIC
	Mr. M. VUKOVIC
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Czechoslovakia): I declare open the 435th plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. CASTANEDA (Mexico) (translation from Spanish): I wish to inform the Committee on Disarmament that on the second day of this month the General Conference of the new Agency for the Prohibition of Nuclear Weapons in Latin America opened in Mexico City. The significance of this fact was underlined by the presence at the inaugural meeting of U Thant, Secretary-General of the United Nations, and Mr. Eklund, Director-General of the International Atomic Energy Agency, both of whom made important speeches.

3. The Treaty for the Prohibition of Nuclear Weapons in Latin America (ENDC/186, p.12 et seq.) was opened for signature on 14 February 1967. In December of that year, resolution 2286 (XXII) of the United Nations General Assembly welcomed the Treaty "with special satisfaction" as "an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security". (ENDC/210) The Treaty entered into force for the parties to it when they deposited their instrument of ratification, but the Agency provided for in the Treaty to ensure observance of its provisions was to be set up as soon as the Treaty had entered into force for a minimum of eleven States. That occurred in June this year. At present there are already fourteen States parties to the Treaty.

4. The setting up of the new Agency and the collective operation of the Treaty represent the culmination of five years of persistent efforts. As U Thant observed in the statement he made at the opening ceremony, the Treaty of Tlatelolco, like any great pioneering project, had given rise to serious doubts about the possibility of its achievement. Today we note with unconcealed satisfaction that the concerted and persistent efforts of the Latin American States have made this achievement possible. As U Thant said, the very difficulties we encountered made the achievement all the more remarkable and significant. The Secretary-General went on to say:

> "In a world that all too often seems dark and foreboding, the Treaty of Tlatelolco will shine as a beacon light. It is a practical demonstration to all mankind of what can be achieved if sufficient dedication and the requisite political will exist." (CCD/268, Annex III)

(Mr. Castañeda, Mexico)

5. The Secretary-General compared the Treaty of Tlatelolco with the Antarctic Treaty[1], with the Outer Space Treaty (General Assembly resolution 2222 (XXI), annex) and with the treaty which we hope will eventually be concluded on the demilitarization of the sea-bed and the ocean floor. He pointed out that the regions covered by those treaties have an element in common in that they are not inhabited, whereas the Treaty of Tlatelolco is the only one so far which applies to an important inhabited area of the earth.

6. As regards the control system of the Treaty, the Secretary-General made some important observations to which I should like to draw your attention, among other reasons, because they relate to our present tasks. He recalled first of all that the Treaty of Tlatelolco has already created some precedents in the field of control, adding that:

> "The provisions of the Treaty concerning the application of the International Atomic Energy Agency safeguards system were officially recognized as having provided the basis for a somewhat similar provision in the Non-Proliferation Treaty." (ibid.)

The Secretary-General further recalled that the Treaty of Tlatelolco also establishes a form of "complaints procedure" which has been used as a guide in other draft instruments. Indeed, I venture to add that in the section on control in the Treaty of Tlatelolco, and particularly in article 16, it is provided that any Party which suspects that some activity prohibited by the Treaty has been carried out or is about to be carried out may lodge a complaint with the Council of the Agency with a view to its investigating the matter. Taking into account the differences in respect of environment, organs and other elements which derive from the very scope of the two instruments, the United Kingdom revised draft Convention for the Prohibition of Biological Methods of Warfare (ENDC/255/Rev.1) provides, in article III, for a similar control system.

1/ United Nations Treaty Series, vol. 402, pp. 71 et seq.

(Mr. Castañeda, Mexico)

7. Lastly, I should not like to let this opportunity pass without drawing your attention to another observation made by the United Nations Secretary-General. After pointing out that the number of ratifications of the Treaty of Tlatelolco is steadily increasing, and after noting that pursuant to invitations addressed by the General Assembly to the nuclear-weapon Powers to sign and ratify Additional Protocol II of the Treaty, two of them have already affixed their signatures and have thus demonstrated their intention to respect the denuclearized status of the zone, U Thant added the following:

> "It is my hope that additional signatures and ratifications will be forthcoming soon to ensure that not only the States party to the Treaty refrain from manufacturing or acquiring nuclear weapons, but also that the nuclear-weapon Powers will refrain from stationing, deploying, using or threatening to us such weapons against any of the countries in the zone." (CCD/268, annex III)

The Conference decided to issue the following communiqué

"The Conference of the Committee on Disarmament today held its 435th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Tomas Lahoda, representative of Czechoslovakia.

"A statement was made by the representative of Mexico.

"The next meeting of the Conference will be held of Thursday, 11 September 1969, at 10.30 a.m."

The meeting rose at 10.50 a.m.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.436
16 September 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND THIRTY-SIXTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 16 September 1969, at 10.30 a.m.

Chairman: Mr. A. ZELLEKE (Ethiopia)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430)

GE.69-20943

69-35554

PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO
	Mr. L.F. PALMEIRA LAMBREIA
	Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. M. VEJVODA
	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES
	Mr. I. SARKADI
	Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

Japan:	Mr. K. ASAKAI
	Mr. Y. NAKAYAMA
	Mr. T. SENGOKU
Mexico:	Mr. J. CASTANEDA
	Miss E. AGUIRRE
Mongolia:	Mr. M. DUGERSUREN
	Mr. Z. ERENDOO
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
Pakistan:	Mr. S.A.D. BUKHARI
Poland:	Mr. A. CZARKOWSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. C. MITRAN
	Mr. A. SASU
	Mrs. F. DINU
Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.B. TOULINOV
	Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL

United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
	Mr. R.I.T. CROMARTIE
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. BOZINOVIC
	Mr. M. VUKOVIC
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Ethiopia): I declare open the 436th plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. LEONARD (United States of America): In view of the high degree of interest shown by many delegations regarding proposals for increased co-operation in seismic studies, related to a comprehensive test ban, I would like to inform the Committee of the successful detonation of the peaceful nuclear explosion, Project Rulison, to which the United States representative in this Committee has referred on several occasions. This explosion was primarily intended to investigate the recovery of natural gas, but it also provided the first occasion for utilizing the detailed procedures suggested by the United States for international exchange of data in order to advance international understanding of seismology. Our proposal for this data exchange was first made at the General Assembly on 5 December 1968 (A/C.1/PV.1630, provisional, pp. 18-22) and was described in more detail in our working paper of last May (ENDC/252).

3. Since much of the pertinent information has been provided already, my brief statement today is intended to follow up our proposal by describing some of the preliminary results of this experiment. Owing to meteorological conditions, the explosion was postponed from its original date of 4 September and was actually detonated on 10 September 1969.

4. In preparation for this experiment the United States Coast and Geodetic Survey had already informed seismic stations throughout the world of the relevant details. Stations were told that the depth of the explosion would be 8,443 feet and that it would take place in a medium composed primarily of sandstone and shale. The precise geographic co-ordinates and elevation of the experiment were also given.

5. The explosion took place at exactly 21 hours, 00 minutes, 00.1 seconds, Greenwich Mean Time. As anticipated in the design of the experiment, the preliminary estimate of the yield of the explosion was 40 kilotons. The preliminary body wave magnitude, m_b, of the event was estimated as 5.1.

6. Following the explosion, the United States Coast and Geodetic Survey cabled, again on a world-wide basis, to seismic stations and seismological centres the exact origin time and the preliminary estimates of yield and magnitude. Stations were asked, if they recorded the event, to provide the data they recorded, such as the arrival time and the period and amplitude recorded by both short- and long-period instruments. In order to facilitate prompt analysis of the data, stations were requested to send their reports directly to the Coast and Geodetic Survey as soon as possible.

(Mr. Leonard, United States)

7. I should like to recall to the Committee, many of whose member countries already participate in international seismic exchanges, that the value of this experiment, in terms of co-operative seismic research, will depend greatly on timely and complete responses from stations all over the world.

8. As we explained earlier, data from the explosion collected in the United States will be available at the World Data Center in Washington, D.C. The Coast and Geodetic Survey will in turn assemble the data collected from all stations reporting and will prepare a report which will include computations, using all the available seismic data, of the calculated location of the explosion, the origin time, the yield of the explosion and the seismic magnitude. The report will also include an analysis of the event with respect to seismic criteria for distinguishing between explosions and earthquakes.

9. Since the seismic data will be available from the United States and other data centres, we may assume that other interested States and organizations will prepare independent analyses. The studies performed can then be discussed in the relevant technical and scientific forums.

10. I would hope that as many countries and organizations as possible will take advantage of this opportunity to participate in what we are confident will be a valuable demonstration of co-operative research. We believe that efforts such as these will contribute to a more complete understanding of seismology and of its relation to a comprehensive test ban.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 436th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Afework Zelleke, representative of Ethiopia.

"A statement was made by the representative of the United States of America.

"The delegation of Mexico submitted a report on the first session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) (CCD/268).

"The next meeting of the Conference will be held on Thursday, 18 September 1969, at 10.30 a.m."

The meeting rose at 10.50 a.m.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.437
18 September 1969
ENGLISH

GOVT PUBLS DEPT

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND THIRTY-SEVENTH MEETING

held at the Palais des Nations, Geneva,
on Thursday, 18 September 1969, at 10.30 a.m.

Chairman: Mr. I. KOMIVES (Hungary)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

GE.69-20990
69-35604

PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. M. VEJVODA
	Mr. J. CINGROS
Ethiopia	Mr. A. ZELLEKE
Hungary	Mr. I. KOMIVES
	Mr. I. SARKADI
	Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

Japan	Mr. K. ASAKAI
	Mr. Y. NAKAYAMA
	Mr. T. SENGOKU
	Mr. J. SAKAMOTO
Mexico:	Mr. J. CASTANEDA
	Miss E. AGUIRRE
Mongolia:	Mr. M. DUGERSUREN
	Mr. Z. ERENDOO
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Alhaji SULE KOLO
	Mr. C.O. HOLLIST
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. BUKHARI
Poland:	Mr. A. CZARKOWSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. C. NITRAN
	Mr. A. SASU
	Mrs. F. DINU
	Mr. F. ROSU
Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. R. BOMAN

Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. RIMERBAEV
	Mr. V.B. TOULINOV
	Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL
United Kingdom:	Mr. W.N. HILLIER-FRY
	Mr. R.I.T. CROMARTIE
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. BOZINOVIC
	Mr. M. VUKOVIC
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Hungary): I declare open the 437th plenary meeting of the Committee on Disarmament.

2. I have no names inscribed on my list of speakers for today. Does any representative wish to speak? There are no speakers.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 437th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Imre Kömives, representative of Hungary.

"No statements were made at the meeting.

"The next meeting of the Conference will be held on Tuesday, 23 September 1969, at 10.30 a.m."

The meeting rose at 10.40 a.m.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.438
23 September 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND THIRTY-EIGHTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 23 September 1969, at 10.30 a.m.

Chairman: Mr. M.A. HUSAIN (India)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430)

GE.69-21417
69-35607

PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
Brazil:	Mr. S.A. FRAZAO
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. M. VEJVODA
	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES
	Mr. I. SARKADI
	Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

Japan:	Mr. K. ASAKAI
	Mr. Y. NAKAYAMA
	Mr. T. SENGOKU
	Mr. J. SAKAMOTO
Mexico:	Miss E. AGUIRRE
Mongolia:	Mr. M. DUGERSUREN
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
Pakistan:	Mr. K. AHMED
Poland:	Mr. A. CZARKOWSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. A. SASU
Sweden:	Mr. A. EDELSTAM
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.B. TOULINOV
	Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL

United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
	Mr. R.I.T. CROMARTIE
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. VUKOVIC
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (India): I declare open the 438th plenary meeting of the Committee on Disarmament.

2. I have no names inscribed on my list of speakers for today. Does any representative wish to speak?

3. Mr. IGNATIEFF (Canada): I should like to raise a query if I may, in view of the fact that there does not seem to be any other speaker.

4. As a number of delegations will be aware, I think, a very important proposal (A/7655) was tabled in the General Assembly of the United Nations last week on a matter which is before the Committee, and which, I might say, is being studied by my Government with the close attention it deserves. The question raised in my mind may also arise in the minds of some of my colleagues -- a question for clarification, really.

5. First, what is the relationship between that proposal on C and B weapons and the various proposals under negotiation in the Conference of the Committee on Disarmament? For instance, is it something which will be incorporated in our report or considered separately?

6. The other point is that in a way the very tabling of that proposal in the General Assembly of the United Nations on 19 September points to the fact -- of which I suppose not a few of us have been aware -- that the centre of gravity seems to be moving away from this table to New York and that the act of tabling it there may be just an act of realism. I know that the co-Chairmen are doing their best to arrange our proceedings in the most orderly fashion, and I would not wish in anything I say to prejudge the importance of their bilateral consultations, particularly as regards the bottom of the sea; I wish them well, I hope they will report agreement, and we would not wish to disturb that. But having regard to the important development last week the two co-Chairmen might perhaps consult and advise us as to when, while fully meeting their convenience and having regard to the importance of the discussions in which they are engaged, they will consider the transfer of our activities to the scene where apparently our Foreign Ministers are with their staffs.

7. I know that these are questions which had better not be answered off hand. It is the rather unexpected nature of the development to which I have referred that has led to this rather unexpected question. Therefore I should quite understand it if the co-Chairmen took my question under advisement and in due course gave their response.

8. The CHAIRMAN (India): I wonder whether either of the co-Chairmen wishes to speak now or whether they wish to defer giving their views on the points raised by the representative of Canada to a later occasion. I take it that they would prefer to speak on this matter on a later occasion rather than now.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today helds its 438th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador M.A. Husain, representative of India.

"A statement was made by the representative of Canada.

"The next meeting of the Conference will be held on Thursday, 25 September 1969, at 10.30 a.m."

The meeting rose at 10.45 a.m.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.439
30 September 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND THIRTY-NINTH MEETING

held at the Palais des Nations, Genevn,
on Tuesday, 30 September 1969, at 10.30 a.m.

Chairman: Mr. R. CARACCIOLO (Italy)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

GE.69-21496
69-35610

PRESENT AT THE TABLE

Argentina:	Mr. A.F. DUMONT
	Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV
	Mr. M. KARASSIMEONOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. M. VEJVODA
	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. SARKADI
	Mr. S. HAJNAL
India:	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Japan:	Mr. Y. NAKAYAMA
	Mr. T. SENGOKU
	Mr. J. SAKAMOTO

Mexico:	Miss E. AGUIRRE
Mongolia:	Mr. Z. ERENDOO Mrs. D. BALJINNYAM
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER Mr. E. BOS
Nigeria:	Mr. C.O. Hollist
Pakistan:	Mr. K. AHMED Mr. S.A.D. BUKHARI
Poland:	Mr. H. STEPOSZ Mr. R. WLASLO
Romania:	Mr. N. ECOBESCO Mr. C. GEORGESCO Mr. F. ROSU Mr. C. MITRAN
Sweden:	Mr. A. EDELSTAM Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN Mr. R.M. TIMERBAEV Mr. V.B. TOULINOV Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF Mr. O. SIRRY
United Kingdom:	Mr. I.F. PORTER Mr. R.A. RIDDELL Mr. R.I.T. CROMARTIE

United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. VUKOVIC
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Italy) (translation from French): I declare open the 439th plenary meeting of the Conference of the Committee on Disarmament.

2. I have no names inscribed on my list of speakers for today. Does any representative wish to speak? There are no speakers.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 439th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Roberto Caracciolo, representative of Italy.

"No statements were made at this meeting.

"The next meeting of the Conference will be held on Thursday, 2 October 1969, at 10.30 a.m."

The meeting rose at 10.40 a.m.

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT

CCD/PV.440
7 October 1969
ENGLISH

GOVT
PUBLICS
DEPT

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND FORTIETH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 7 October 1969, at 10.30 a.m.

Chairman: Mr. Y. NAKAYAMA (Japan)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430)

GE.69-22149

PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO
	Mr. P. CABRAL de MELLO
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES
	Mr. I. SARKADI
	Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

Japan:	Mr. Y. NAKAYAMA
	Mr. T. SENGOKU
	Mr. J. SAKAMOTO
Mexico:	Miss E. AGUIRRE
	Mr. J. MERCADO
Mongolia:	Mr. Z. ERENDOO
	Mrs. D. BALJINNYAM
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
	Mr. L.A. MALIKI
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. BUKHARI
Poland:	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. C. GEORGESCO
	Mr. F. ROSU
	Mr. C. MITRAN
Sweden:	Mr. A. EDELSTAM
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.B. TOULINOV
	Mr. Y.C. NAZARKINE

United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL
United Kingdom:	Mr. I.F. PORTER
	Mr. R.A. RIDDELL
	Mr. R.I.T. CROMARTIE
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. VUKOVIC
Special Representative of the Secretary-General	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Japan) (translation from French): I declare open the 440th plenary meeting of the Conference of the Committee on Disarmament.

2. Before calling on the first speaker, I have pleasure in welcoming Mr. Kazimierz Zybylski, who was previously a member of the Polish delegation and who returns to our midst today as the representative of Poland.

3. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): A draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269), agreed between the Soviet Union and the United States, is submitted for the consideration of the Committee on Disarmament.

4. The Soviet Union attaches great importance to the exclusion of extensive areas of the sea-bed and the ocean floor, which represent two-thirds of the surface of the terrestrial globe, from the sphere of the arms race. This task is becoming particularly urgent now that the practical exploration of the sea-bed is just beginning and the danger is arising that this new field of human endeavour will be used not in the interests of peace but for purposes of war and destruction.

5. As experience shows, it is much more difficult to stop an arms race where it is already being carried on than to prevent it from spreading to the environments which were previously inaccessible to man but are gradually being opened up thanks to the achievements of science and technology. International practice bears witness to the feasibility and importance of carrying out measures to prevent an arms race in environments new to man, such as the Antarctic, which under the Treaty of 1959 [1] is used exclusively for peaceful purposes, or outer space, with regard to which a number of demilitarization measures were laid down in the Treaty of 1967 (General Assembly resolution 2222 (XXI) (Annex)).

6. The Soviet Union, in its Memorandum of 1 July 1968 on some urgent measures for stopping the arms race and for disarmament (ENDC/227), submitted for the consideration of States a proposal that the sea-bed and the ocean floor should be used exclusively for peaceful purposes. In elaboration of this the Soviet Union submitted a draft treaty (ENDC/240) on 18 March of this year.

1/ United Nations Treaty Series, Vol. 402, pp. 71 et seq.

(Mr. Roshchin, USSR)

7. The elaboration of the draft treaty on the sea-bed and the ocean floor which has been submitted to the Committee today was carried out in an atmosphere of fruitful discussion which showed that there is a general realization of the need to prevent an arms race from starting on the sea-bed and the ocean floor. The joint efforts made it possible to reach agreement on the document now submitted to the Committee.

8. I shall now dwell briefly on the most important provisions of the draft treaty which is before the Committee.

9. The main undertaking of the parties to the treaty is laid down in article I, which provides for the prohibition of the emplacement on the sea-bed and the ocean floor and in the subsoil thereof of any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations, or any other facilities specifically designed for storing, testing or using such weapons.

10. Thus it is proposed to settle at this stage the most important part of the problem of the demilitarization of the sea-bed, namely to prohibit the emplacement there of the most dangerous types of weapons. At the same time the treaty emphasizes that it constitutes a step towards the exclusion of the sea-bed and the subsoil thereof from the arms race, and that the parties to the treaty will continue negotiations concerning further measures leading to this end. This approach to the question of the scope of the prohibition, which takes into account to the maximum extent the points of view of the participants in the negotiations, ensures the most speedy and, in existing conditions, the widest possible solution of the problem of demilitarizing the sea-bed.

11. From the very beginning of the negotiations the Soviet Union has based itself on the premise that the treaty should cover the whole area of the sea-bed and the ocean floor beyond a twelve-mile coastal zone. Account has also been taken of the fact that with a few exceptions coastal States have territorial waters within these limits. The draft treaty submitted today mentions precisely a zone with a twelve-mile width. It refers to the maximum contiguous zone provided for in the 1958 Geneva Convention[2/], the extent of which, under paragraph 2 of article 24 of that Convention, is precisely twelve nautical miles.

12. The principle for measuring the outer limit of the twelve-mile zone is clearly formulated in the text of the treaty, where it is proposed to be guided by the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and by international law.

2/ United Nations Treaty Series, Vol. 516, p. 221

(Mr. Roshchin, USSR)

13. The draft treaty points out that none of its provisions shall be interpreted as supporting or prejudicing the position of States with respect to their rights or claims related to waters off their coasts or to the sea-bed and the ocean floor.

14. The provisions concerning a specific system of control are an important part of the treaty. They include the right of States parties to the treaty to verify the activities of other States parties on the sea-bed and the ocean floor and in the subsoil thereof beyond the twelve-mile zone, if these activities raise doubts concerning the fulfilment of the obligations assumed under this treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas. Provision is also made for consultation and co-operation among parties to the treaty in order to remove doubts concerning the fulfilment of the obligations assumed under the treaty.

15. In elaborating the verification provisions the views of various delegations in this regard were taken into account. Thus many delegations expressed the wish that, for the purpose of the widest possible participation of States in the practical conduct of verification of the treaty provisions, the right should be provided to ask other parties to the treaty to extend assistance in this matter. That suggestion was adopted and is reflected accordingly in the text of the draft treaty.

16. The system of control provided for in the draft treaty will thus ensure effective verification of the implementation of the treaty, as well as equal rights for each State party to the treaty to participate in the exercise of control, without creating obstacles to unprohibited activities on the sea-bed and the ocean floor.

17. The articles of the treaty dealing with the procedure for submitting amendments, the right of withdrawal and other final clauses of the treaty have been drafted on the basis of the precedents already in existence which have received wide international recognition. In these articles use was made of the formulas of corresponding provisions of the non-proliferation Treaty (ENDC/226*), the treaty banning nuclear-weapon tests in three environments (ENDC/100/Rev.1), the outer-space Treaty and other international instruments.

(Mr. Roshchin, USSR)

18. Permit me, in conclusion, to express the hope that the draft treaty on the prohibition of the emplacement on the sea-bed and the ocean floor of nuclear weapons and other weapons of mass destruction will receive the wide support and approval of the members of the Committee on Disarmament, so that it may be submitted in the near future to the current session of the United Nations General Assembly.

19. The conclusion of a treaty on the sea-bed will be another important contribution to the solution of the problem of narrowing the sphere of the arms race, above all of the nuclear arms race, and of restricting and finally stopping it altogether. The elaboration of this treaty is a graphic illustration of how the clause of the non-proliferation Treaty laying down the obligation to pursue negotiations on measures relating to cessation of the nuclear arms race is being carried out in practice. This new agreement will help towards the creation of more favourable conditions for the elaboration and implementation of further measures aimed at stopping the arms race and achieving disarmament. At the same time it is a necessary prerequisite for the development of international co-operation in exploring the sea-bed environment for peaceful purposes.

20. Allow me, Mr. Chairman, to associate myself with your words of welcome to the representative of Poland, Mr. Zybylski, who is among us again and is once more participating in the work of our Committee on Disarmament.

21. Mr. LEONARD (United States of America): It has been widely recognised during our work this year that the most promising item on our agenda, in terms of developing a concrete agreement, has been the question of preventing an extension of the arms race to the sea-bed. As my colleagues know, this question has been the subject of intensive discussions between the delegations of the Soviet Union and the United States; and I am pleased to be able to join the Soviet co-Chairman in reporting that our labours have proved fruitful. The product of our efforts has now been circulated in the form of a revised draft treaty (CCD/269) to prohibit the emplacement of nuclear weapons or other types of weapons of mass destruction on the sea-bed and ocean floor or in the subsoil thereof.

22. The draft treaty we are presenting today has been worked out by the Governments of the United States and the Soviet Union as a recommendation for discussion and negotiation in this Committee. My delegation hopes that the members of the Committee will soon be in a position to comment on the draft, having in mind the importance of timely submission of a broadly-agreed text to the current General Assembly. Naturally

(Mr. Leonard, United States)

governments will wish to study its provisions with care, and we shall need to consider the possibility of changes in the text. In the near future I plan to make a statement on the considerations that have shaped the United States delegation's approach to certain suggestions that have already been put forward and on possible areas in which the draft might be improved.

23. I would now like to explain some of the provisions of the new draft treaty.

24. The first paragraph of article I would prohibit any party from emplanting or emplacing on the sea-bed, beyond the outer limits of the contiguous zone, any objects with nuclear weapons or any other types of weapons of mass destruction. This prohibition, like the outer-space Treaty (General Assembly resolution 2222 (XXI) (Annex)), would thus cover in particular nuclear weapons and also any other weapons of mass destruction, such as chemical or biological weapons. This paragraph would also ban structures, launching installations, or any other facilities specifically designed for storing, testing or using such weapons. The treaty would therefore prohibit, inter alia, nuclear mines that were anchored to or emplaced on the sea-bed. The treaty would not, however, apply to facilities for research or for commercial exploitation not specifically designed for storing, testing or using weapons of mass destruction. On the other hand, facilities specifically designed for using nuclear weapons or weapons of mass destruction would not, because they could also use conventional weapons, be exempted from the prohibitions of this treaty.

25. Since this treaty is concerned with uses of the sea-bed, vehicles which can navigate in the water above the sea-bed and submarines should be viewed in the same way as any other ships; submarines would therefore not be violating the treaty if they were either anchored to, or resting on, the sea-bed.

26. I would also like to point out that this treaty would not impede peaceful uses of nuclear energy. The prohibitions of the treaty are not intended in any way to affect the conduct of peaceful nuclear explosions or to affect applications of nuclear reactors, scientific research, or other non-weapons applications of nuclear energy, consistent with other treaty obligations.

27. The second paragraph of article I is similar to provisions of the limited test-ban Treaty (ENDC/100/Rev.1) and the non-proliferation Treaty (ENDC/226*), and is intended to ensure that this treaty effectively accomplishes its purposes.

(Mr. Leonard, United States)

28. Let me now turn to article II of the new draft. The provisions of this article reflect my delegation's conviction that our effort to develop a sound measure for sea-bed arms control must be based squarely on existing international law. I believe we can all agree that a sea-bed arms-control agreement should not and cannot be an instrument to solve complex questions of the Law of the Sea, and that the prospects for broad acceptance of a treaty will be much greater if the treaty is fully in accord with the Law of the Sea. Otherwise we would run a severe risk of getting bogged down in extraneous questions relating to national jurisdiction and exploitation of the resources of the sea and of the sea-bed. If this were to happen it would be much more difficult, perhaps even impossible, for us to reach agreement on a practical arms-control measure.

29. Moreover, we believe that there is wide international agreement on the basic principles of the Law of the Sea, particularly as those principles are spelt out in the 1958 Geneva Conventions. We have therefore taken the 1958 Convention on the Territorial Sea and the Contiguous Zone[3/] as the basis for measuring the outer limit of the contiguous zone beyond which the prohibitions would apply.

30. The method for measuring the band is covered in two provisions of the treaty. First, paragraph 1 of article I specifies that the prohibitions of the treaty would apply beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone. As delegations are doubtless aware, article 24 of the 1958 Convention stipulates that the maximum zone is twelve miles. Second, paragraph 1 of article II specifies that the outer limit of the contiguous zone shall be measured in accordance with section II of the Convention on the Territorial Sea and the Contiguous Zone and with international law.

31. Finally, I would like to draw attention to paragraph 2 of article II. This clause provides that nothing in this treaty shall be interpreted as supporting or prejudicing the position of any party with respect to rights or claims which such State party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, or to the sea-bed and the ocean floor.

32. There has already been a good deal of discussion in the Committee concerning possible elements of a verification provision for the sea-bed treaty. We in the United States delegation have explained in plenary statements as well as in informal discussions the reasons that led us to conclude that the requirement for verification is dependent

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3/ United Nations Treaty Series, Vol. 516, p. 221.

(Mr. Leonard, United States)

on the nature of the prohibition. Based on this conclusion, and in view of the difficulties of the sea-bed environment and the limitations of available technology, we believe that the right to verify set forth in article III would be appropriate for this treaty. This provision would ensure that parties would be able to check compliance with the treaty, taking into account both the rights and the obligations which they have under international law, including the freedom of the high seas. At the same time legitimate activities on the sea-bed would not be subject to interference. For example, the provision does not imply the right of access to sea-bed installations or any obligation to disclose activities on the sea-bed that are not contrary to the purposes of the treaty.

33. A number of delegations have made clear that they might wish to consider obtaining assistance from other States in carrying out verification. As provided in paragraph 2 of article III, the treaty recognizes that verification may be carried out by a party either by its own means or with the assistance of any other party, thereby facilitating participation by all parties regardless of their technological capabilities. The verification article also includes a commitment by the parties to consult and co-operate in order to clear up questions which might arise about fulfilment of the obligations of the treaty.

34. This completes my discussion of the principal substantive articles of the new draft treaty, but I would like to offer a few brief comments on some of the remaining administrative provisions on amendment, accession and the like.

35. First, the treaty contains an amendment provision which follows the precedent of the limited test-ban Treaty, in that it requires acceptance by a majority of all parties, including all nuclear-weapon parties, for entry into force of amendments.

36. Next, the first paragraph of article VI provides that the treaty shall be open for signature to all States. Such a provision would not, of course, affect the recognition or status of an unrecognized régime or entity which might elect to file an instrument of accession to this treaty.

37. Finally, paragraph 3 of article VI provides that the treaty would enter into force after twenty-two countries had ratified, including the depositaries. This follows the precedent of the 1958 Geneva Law of the Sea Conventions, as was suggested by the Swedish delegation.

(Mr. Leonard, United States)

38. The tabling of a draft treaty today opens up an opportunity for establishing in the near future a meaningful restriction on the deployment of nuclear weapons, which as such would contribute to the security of all countries. At the present moment, the work of this Committee has entered a most important phase. What we do or fail to do can have wide consequences. We have the chance to work out a measure which will be an effective barrier to the spread of the nuclear arms race and which will facilitate the use of the sea-bed for peaceful purposes. The time is short, and we will have to work hard. But I am confident that we can again demonstrate the competence and dedication that have brought this Committee to its present position of leadership in the field of arms control.

39. Mr. PORTER (United Kingdom): I should like to read a message to the Conference of the Committee on Disarmament from the Rt. Hon. Fred Mulley. It is as follows:

"Some of you may know that I have just left my post in the Foreign and Commonwealth Office to become Minister of Transport. I much regret that the duties of my new Department make it impossible for me to come to Geneva to take leave in person of my distinguished colleagues on the Conference of the Committee on Disarmament. I have valued highly the opportunity to work with you all towards the goals of arms control and disarmament which we share. I am particularly sorry that I shall not be able to assist you in carrying forward the work on chemical and biological warfare in which we have been engaged for the past fifteen months. I am also sorry not to be with you for the important step forward the Committee is taking today with the tabling by the co-Chairmen of a draft joint treaty on the sea-bed.

"I send you my best wishes for the success of your negotiations on these subjects and on the many other problems that lie before you."

40. The CHAIRMAN (Japan) (translation from French): I am sure that all members of the Committee will wish to express their regret that Mr. Mulley is leaving us. I should like to ask Mr. Porter to transmit our most cordial wishes to the Minister.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 440th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Yoshihiro Nakayama, representative of Japan.

"Statements were made by the representatives of the Union of Soviet Socialist Republics, the United States of America, the United Kingdom and the Chairman.

"The delegations of the Union of Soviet Socialist Republics and the United States of America submitted a 'Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the seabed and the Ocean Floor and in the Subsoil Thereof' (CCD/269).

"The next meeting of the Conference will be held on Thursday, 9 October 1969, at 10.30 a.m."

The meeting rose at 11.10 a.m.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.441
9 October 1969
ENGLISH

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND FORTY-FIRST MEETING

held at the Palais des Nations, Geneva,
on Thursday, 9 October 1969, at 10.30 a.m.

Chairman: Miss E. AGUIRRE (Mexico)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430)

GE.69-22184

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PRESENT AT THE TABLE

Argentina:	Mr. A.F. DUMONT
	Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO
	Mr. P. CABRAL de MELLO
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. M. DARCY de OLIVEIRA
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	Mr. Y. RIZK
	Mr. M. ISMAIL

United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
	Mr. R.I.T. CROMARTIE
	Mr. R. HOULISTON
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. VUKOVIC
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Mexico) (translation from Spanish): I declare open the 441st plenary meeting of the Conference of the Committee on Disarmament.

2. Mr. IGNATIEFF (Canada): First of all I should like to express the pleasure of the Canadian delegation at the return of our old friend and colleague, Mr. Kazimierz Zybylski, and to express our regrets that other ministerial duties have necessitated the departure of another old friend, the Right Honourable Fred Mulley, whose contribution to the work of this Committee has been so outstanding and whose message of farewell to disarmament was read out at the last meeting (CCD/PV.440, para.39).

3. Today I should like to introduce a Canadian working paper, which has been distributed as document CCD/270. This paper sets out specific proposals as to the procedures which we believe should be considered as a reasonable basis for the implementation of the "right to verify" in article III of the co-Chairmen's joint draft on the sea-bed, which was circulated at the last meeting as document CCD/269.

4. In an earlier statement I referred to the need for all of us here to seek common purposes on each issue which came before us before freezing that agreement in treaty language. We are pleased that, with regard to arms control on the sea-bed, the co-Chairmen have apparently found this common ground, and indeed have gone on to produce an agreed draft treaty. Its tabling follows a long and obviously difficult period of negotiations, primarily between the two co-Chairmen. Their success in achieving agreement represents a vital step forward, which augurs well, I hope, for the eventual conclusion of an arms control treaty for the sea-bed and for progress on other issues before this Committee. It now falls to other members of the Committee to see how much common ground we can all find in examining the draft put before us by the co-Chairmen.

5. The scope and geographic limits of the treaty, which have been the main focus of attention on the part of the representatives of those Governments which at this time have the capability of emplacing the weapons to be prohibited if this agreement comes into effect, will obviously be the subjects of further debate both here and at the United Nations General Assembly. A matter of special concern to all other potential adherents to such a treaty, however, is the assurance that whatever may be agreed upon, both as to the categories of weapons to be prohibited and as to the geographic scope, will be complied with.

(Mr. Ignatieff, Canada)

6. We believe that the verification procedures, to be generally acceptable as giving such an assurance, should be based on two criteria: first, they must, to the satisfaction of all signatories, detect any significant breaches of the treaty with a minimum of delay, providing in the last analysis incontrovertible evidence; and secondly, they must be in accord with and support the existing Law of the Sea as it affects the interests of coastal States.

7. From the draft presented to us by the co-Chairmen we know the engagements which their Governments are willing to accept in prohibiting the extension of the nuclear arms race to the sea-bed. What we want to know now is, what engagements are the two Powers willing to accept in relation to others, especially the many coastal States, that these engagements will be kept, and what procedures are they willing to agree to in the event that any State has reasonable concern that a threatening installation may have been observed on the sea-bed clearly within its jurisdiction as defined under the existing Law of the Sea? In other words, what we want to know is just how the "right to verify" specified in article III of the co-Chairmen's draft is to be exercised.

8. It has been the view of some delegations that, if this treaty is to be truly multilateral in nature and to achieve widespread adherence, it must contain more than a verification clause adequate for a limited number of signatories, even if those signatories are the most important signatories. The Canadian delegation suggests that, in order to meet the basic criteria to which I have referred, there are three important aspects of the verification problem which must receive more detailed treatment in any article which might ultimately be accepted by this Committee.

9. In the first place, there must be some mechanism to ensure that, in the final analysis, disputes regarding verification can be resolved once the concern of a State is engaged that the treaty is not being fully complied with.

10. There must also be provisions in the article which would guarantee the ability of all signatories to share in the verification procedures, either independently or in co-operation with other parties, so that signatories should not be at any unfair disadvantage owing to lack of the necessary technology or skill.

(Mr. Ignatieff, Canada)

11. The other main concern is that there should be a clear re-statement of the pertinent rights of coastal States under existing international law, so that these States may be assured that these rights are fully protected under the treaty now under negotiation. When the subject matter of such a treaty deals specifically with areas of vital interest to States expected to become parties, States are unlikely to accept wording which leaves these issues unclear, or which is claimed to provide protection by indirection. Broad acceptance can be achieved only by ensuring that the draft treaty is clearly fitted into the totality of the existing framework of international law. Viewed against these criteria, the provisions in the draft treaty submitted by the co-Chairmen require, in the view of the Canadian delegation, careful examination.

12. Bearing in mind these considerations, I should now like to turn to a very short explanation of the specific points in our working paper.

13. Paragraph 1, which seeks to impose on parties the obligation to recognize existing rights, is in keeping with the proposition that the relevant rights of States under international law should be re-stated and taken fully into account in this treaty. It also provides specifically for what is clearly the first step in the verification article of the joint draft co-sponsored by the co-Chairmen: the right to observe.

14. Paragraph 2 provides an outline of what would be the second step in a verification effort -- the right of all parties to consult and an undertaking to co-operate in attempting to resolve difficulties which might arise.

15. Paragraph 3 is the point at which our proposal begins to go beyond the verification article put forward by the co-Chairmen. While the co-Chairmen have provided indirectly for observation and consultation, the phrase "right to verify" is open to several interpretations, some of which are not very reassuring.

16. It is our view that this concept of verification stops short of providing precisely how the concern of a State is to be adequately met if the second step of bilateral consultation and co-operation fails. The procedure envisaged in our working paper is that the State or States controlling the installation or facilities in question will be given notice of the desire to carry out verification by inspection, without -- I emphasize "without" -- interfering with the activities involved.

(Mr. Ignatieff, Canada)

17. Paragraph 4 would provide for ultimate recourse to the Security Council, if the necessary co-operation of such States were not forthcoming. It can be argued that parties already have the right, under the Charter, to raise such issues in the Security Council. But we believe that specific reference to this right will serve to provide assurance that complaining States retain the right of having recourse to the Security Council if the suspected non-compliance gives sufficiently serious concern.

18. It is also in this paragraph that the question of "access" is raised. Such access as an ultimate recourse must be provided, we believe, in order to ensure credibility for the whole verification process. We cannot emphasize too strongly, however, that this provision would be activated only as a last resort, should all other attempts to resolve the point at issue fail, and should be in accordance with the existing Law of the Sea. Otherwise, how can we speak of a credible "right to verify"?

19. In paragraph 5 an attempt is made to meet more fully the concern of the less technologically developed States that verification should be available to allay any doubts they might have about specific events. Sub-paragraph 5(a) provides for third-party assistance, either bilaterally -- a provision whose inclusion in the co-Chairmen's draft the Canadian delegation welcomes -- or through the good offices of the Secretary-General of the United Nations. Sub-paragraphs 5(b) and (c) set out suggestions regarding details of the procedures and obligations surrounding a request for assistance in carrying out necessary verification inspection processes, to be channelled through the Secretary-General.

20. In paragraph 6 we have sought to point up as fully as possible the rights of coastal States under international law, and particularly under the 1958 Geneva Convention on the Continental Shelf[1]. Through the provision for prior notification to coastal States regarding possible verification on their continental shelf and for their association in a manner acceptable to both parties in the actual verification, the treaty would ensure that the relevant rights of coastal States under international law could be fully protected.

21. Paragraph 7 of our paper is a routine, although important, clause under which all parties to the treaty undertake to co-operate to implement the article on verification.

1/ United Nations Treaty Series, Vol. 499, pp. 311 et seq.

(Mr. Ignatieff, Canada)

22. Paragraph 8, which envisages inclusion of review provisions in the final treaty, confirms that the procedures of verification, which will obviously have to be altered in the light of experience and changing technology, should be one of the subjects of any such review conference.

23. In concluding, I would make the more general remark that modern technology, with its restless urge for constant innovation, is hardly consistent with such static concepts in the co-Chairmen's draft as the veto power on the right to amend the treaty and the lack of provision for review.

24. In submitting these proposals regarding verification, the Canadian delegation approaches the problem with no sense of finality or infallibility, still less of inflexibility. Francis Bacon wisely said: "If a man will begin with certainties, he shall end in doubts; but if he will be content to begin with doubts, he shall end in certainties." So with the contents of this paper: we seek to establish certainties only in respect of principles and of the law, allowing for flexibility as to the language and the means, until we are agreed on the objectives.

25. If the contents of our working paper on verification seem long in relation to the co-Chairmen's draft treaty, or excessively detailed, I would point out that the concept of the "right to verify" requires clarification in some detail, point by point, if the result is to be regarded as effective by the many governments which will wish to be assured about compliance with the terms of the treaty before they decide whether or not to sign it.

26. As to form, our working paper attempts a certain precision of language as an aid to further consultations because, as I am sure we are all agreed, the time for generalities is past and the time for negotiation is at hand. It is not an amendment at this stage, but rather a checklist of verification procedures directly related to the implementation of the right to verify contained in the co-Chairmen's draft treaty. Our working paper, therefore, which tries to clarify and define the procedures which would be open to the signatories of the treaty under the right to verify, should, I suggest, be examined by this Committee along with article III of the co-Chairmen's draft.

(Mr. Ignatieff, Canada)

27. Our aim is to seek to strengthen the draft treaty by helping towards the broadest possible consensus. This would not only redound to the credit of this Committee as a negotiating body; it would also help to meet the concern of coastal States, which represent an important part of the international community.

28. Mr. CARACCIOLO (Italy) (translation from French): I should like to associate myself with my Canadian colleague in expressing the regret felt by my delegation of the departure of Mr. Fred Mulley, Minister of State, to whom we are grateful for enhancing by his presence the prestige of our work over a long period of time. We wish him all possible success in his new and important task in the Government of his country.

29. I should like also to welcome the new representative of Poland, Mr. Kazimierz Zybylski, on his return to our Committee.

30. One of the problems most discussed during the present session of the Conference of the Committee on Disarmament -- that is, the elaboration of a treaty on the denuclearization of the sea-bed and the ocean floor -- is now entering a crucial phrase. The Conference now has available a text which is the fruit of long and difficult negotiations. On behalf of the Italian delegation, I should like first of all to thank the co-Chairmen for the efforts which they have made, and to congratulate them on reaching agreement on a joint text. This is a good augury for the development of negotiations between the two nuclear Powers and, at the same time, further evidence of the importance of the role played by the Committee on Disarmament as an indispensable point of convergence in the negotiations which should lead to the establishment of lasting peace throughout the world.

31. In my statement today I should like to express the first reactions of my delegation to the text before us, and to comment on certain problems already mentioned in my statements of 13 May (ENDC/PV.410) and 29 July (ENDC/PV.423) and in whose solution, unfortunately, hardly any progress has been made.

32. I shall therefore begin with a first examination of article III, and I should like to say immediately and very frankly that it appears to us inadequate in its present wording. We think indeed that the problem of control constitutes a complementary and necessary aspect of disarmament measure, without any exception

(Mr. Caracciolo, Italy)

whatsoever, and that it assumes a substantive character as the application of a general principle. The joint declaration made by the United States and the Soviet Union on the principles agreed in 1961 for negotiations concerning general and complete disarmament leaves no room for doubt in this respect; paragraph 6 of the agreed statement says that "All disarmament measures should be implemented from beginning to end under ... strict and effective international control ..." (ENDC/5)

33. There is no need for a lengthy demonstration to recall that the same problem of control was the crucial point in all the negotiations leading to the conclusion of the non-proliferation Treaty (ENDC/226*). During the discussions prior to its approval article III was the one that gave rise to the most discussion and controversy. The serious commitments undertaken by the non-nuclear States with regard to control are undoubtedly one of the fundamental characteristics of that important instrument for peace and international co-operation. It should also be recalled that the discussions on the drafting of a treaty for the discontinuance of underground nuclear tests which were carried on in this Committee during several sessions, and became highly technical, have so far foundered on the fundamental problem of setting up control machinery capable of providing the necessary guarantees of compliance with the provisions of the treaty.

34. In one of my previous statements I asked:

> "why ... the need for an international control body has been so strongly felt in the case of the Treaty on the Non-Proliferation of Nuclear Weapons, why it is so laboriously sought with a view to the conclusion of an agreement on underground nuclear explosions or an agreement on the limitation of the production of fissionable materials, while it is rejected in the case of the demilitarization of the sea-bed and the ocean floor." (ENDC/PV.410, para.53)

35. According to these general considerations and in conformity with the principle which requires that any disarmament measure, to be effective, must create identical rights and duties for all signatories, the Italian delegation has constantly affirmed the necessity of establishing adequate international machinery to guarantee compliance with the provisions of the treaty on the denuclearization of the sea-bed

(Mr. Caracciolo, Italy)

and the ocean floor. If we have not proposed rigid formulas or complicated solutions, it is because we are perfectly aware of the delicate and complex aspects of the problem and the cost of setting up new and cumbersome international structures.

36. However, we wish to stress once again that it is essential that the principle of international responsibility in the matter of control should be recognized in the provisions of the treaty. In other words, an adequate procedure introducing -- through machinery to be determined -- recourse to international organizations must be established; and this both on account of the principles I have mentioned and because of the legitimate concern of States with very long coastlines at seeing certain of their inalienable sovereign rights -- such as that concerning the continental shelf, which is recognized by the Geneva Convention of 1958[1/] -- threatened by unjustified verification operations which might be carried out by other States.

37. In this connexion we listened with interest to the delcaration made by the representative of the United States of America at the meeting on 7 October, when he said:

> " ... legitimate activities on the sea-bed would not be subject to interference. For example, the provision does not imply the right of access to sea-bed installations or any obligation to disclose activities on the sea-bed that are not contrary to the purposes of the treaty." (CCD/PV.440, para. 32)

38. We consider that this declaration is particularly helpful. However, it seems to us necessary that this concept should be made more precise and complete in the actual text of the treaty. Moreover, if the States which adhere to the agreement now under discussion consider themselves to be threatened by the real or suspected activities of other States, they must be able to avail themselves of the guarantees provided by the treaty without the need to have recourse to the optional assistance of the technologically more advanced States.

1/ United Nations Treaty Series, Vol. 499, pp. 311 et seq.

(Mr. Caracciolo, Italy)

39. Against these requirements it might of course be objected that in fact the treaty to be concluded on the basis of the joint draft of the co-Chairmen concerns nuclear weapons exclusively, and that consequently only the nuclear Powers are affected by the problem of the control relating thereto. We cannot accept that thesis. In the first place, the treaty certainly refers to nuclear weapons, but it refers also to all weapons of mass destruction; and we cannot be certain today that in the future this expression will continue to indicate only nuclear weapons. But there seems to be another reason for not accepting that thesis. The preamble to the draft treaty in fact says explicitly that "This Treaty constitutes a step towards a Treaty on General and Complete Disarmament under strict and effective international control ..." (CCD/269). Therefore this concept should logically, in our opinion, and even from the strictly legal point of view, find its concrete application in the operative part of the treaty.

40. For all the reasons I have just explained we consider that the working document (CCD/270) submitted today by the Canadian delegation contains extremely interesting and useful suggestions, and that consequently it deserves the fullest attention of this Committee and commends itself most particularly to the consideration of the co-Chairmen.

41. Finally, it seems to us that the suggestions formulated by the delegation of Brazil in its working document of 1 September last (CCD/267) concerning the settlement of disputes to which the application of the treaty might give rise also deserve close study.

42. Having set forth the point of view of my delegation on the problem of control, which is now the most delicate part of the treaty on the denuclearization of the sea-bed and the ocean floor, I should like to make a few brief comments on other points in the draft before us.

43. I shall begin with the preamble. We were pleased to note the introduction of the fourth paragraph which aims at integrating this agreement within the wider framework of general and complete disarmament. This is a very positive declaration of principle. It must be noted, however, that such an agreement does not diminish in any way the military power of the opposing blocs; therefore other concrete disarmament agreements will be necessary before we can talk about real progress along the road to general and complete disarmament. Obviously

(Mr. Caracciolo, Italy)

we hope that this concrete progress will be achieved as rapidly as possible. To this end, it seems to us that it would be advisable to improve the text in question so that it becomes an incentive to the conclusion of other agreements aiming at the reduction of nuclear weapons, in accordance with article VI of the non-proliferation Treaty.

44. On the other hand, the third paragraph of the preamble seems to cause a certain amount of perplexity. Certainly it is drafted in extremely general terms and there can be no doubt that the objective of excluding the sea-bed and the ocean floor from the arms race is highly commendable. Nevertheless, since the drafting of this paragraph leaves open the possibility of concluding agreements of wider scope as regards the demilitarization of the marine depths, I wish to reaffirm clearly what I have already said in my statement of 29 July (ENDC/PV.423, para.33): it is quite true that, within the present framework of an agreement providing for the prohibition of weapons of mass destruction only, Italy is ready to accept the proposed twelve-mile limit. However, if other agreements were to envisage extending the prohibition to other weapons, we should be compelled, by virtue of the requirements of our national security, to reconsider completely the question of the geographical limits relating to any new prohibition.

45. I now turn to article IV. The text of this article, and more particularly the clause under which amendments to the treaty must be approved by a majority of the parties to the treaty, including all the nuclear Powers, raises, in our opinion, a serious problem, because this is tantamount to establishing a right of veto in a new international instrument of particular importance. The fact that the United Nations Charter admitted the necessity of a qualified majority in regard to decisions where international peace and security are at stake recognized at the time the existence of certain relationships of power and could therefore be justified. Also, while it is true that paragraph 2 of article VIII of the non-proliferation Treaty recognizes the principle of a qualified majority including the nuclear Powers, it is equally true that this paragraph introduces an important modification to an exclusive right of veto by including in this majority all the States members of the Board of Governors of the International Atomic Energy Agency.

(Mr. Caracciolo, Italy)

46. On the other hand, in the treaty on the denuclearization of the sea-bed and the ocean floor, the codification of the right of veto would introduce an element of discrimination between the signatories which seems to us to be quite unjustified, even for reasons of security, because each State is free, under article V, to withdraw from the treaty if it considers that its supreme interests are jeopardized. We consider therefore that the discrimination proposed in this draft treaty should be done away with.

47. Before concluding, I venture to make a brief comment on article I of the treaty, an article which we know very well to have been the subject of particularly difficult negotiations between the two co-Chairmen. However, I cannot help remarking that it would have been desirable to make it clear in that article that within the contiguous zone the coastal State fully retains its power of decision regarding the setting up of any military installation, and to make it clear also that it retains the right to conclude agreements with third States for the setting up of any military installation.

48. That is the substance of my preliminary remarks on the new text which has been submitted to us and I reserve the right to revert to these problems, if necessary, in the course of our forthcoming discussions.

49. Mr. ARAZAO (Brazil): I should like, first of all, to add my voice to those which have expressed regret at the departure from our midst of the Right Honourable Fred Mulley. Mr. Mulley was a brilliant representative, whose statements and proposals always contributed to the progress of the work of the Committee. I also want to add Brazil's welcome to that already expressed to the new Polish representative, Mr. K. Zybylski.

50. I shall be very brief in stating what I have to say today. The Brazilian delegation supports in principle the concepts and ideas included in the working paper (CCD/270) submitted this morning by the delegation of Canada. We are also in agreement in general terms with the explanations given by Mr. Ignatieff in introducing this working paper. In total accord with our previous statements, we are prepared to submit in due time modified language for paragraph 1 and sub-paragraphs 6(a) and 6(c), which in their present wording still do not meet our views on the subject. We hope that our modifications will be acceptable to the delegation of Canada and to all delegations which share our approach to these questions of verification and control, bearing in mind the inherent rights of the coastal States.

The Conference decided to issue the following communiqué.

"The Conference of the Committee on Disarmament today held its 441st plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Miss Elisa Aguirre, representative of Mexico.

"Statements were made by the representatives of Canada, Italy and Brazil.

"The delegation of Canada submitted a working paper on article III of the co-Chairmen's draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/270).

"The next meeting of the Conference will be held on Tuesday, 14 October 1969, at 10.30 a.m."

The meeting rose at 11.20 a.m.

CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/PV.442
14 October 1969
ENGLISH

GOVT PUBLS DEPT

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND FORTY-SECOND MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 14 October 1969, at 10.30 a.m.

Chairman: Mr. Z. ERENDOO (Mongolia)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

70-3514

PRESENT AT THE TABLE

Argentina:	Mr. A.F. DUMONT
	Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO
	Mr. P. CABRAL de MELLO
	Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
Czechoslovakia:	Mr. T. LAHODA
	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES
	Mr. I. SARKADI
	Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Japan:	Mr. Y. NAKAYAMA
	Mr. T. SENGOKU
	Mr. J. SAKAMOTO

Mexico:	Miss E. AGUIRRE
	Mr. J. MERCADO
Mongolia:	Mr. Z. ERENDOO
	Mrs. D. BALJINNYAM
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
	Mr. L.A. MALIKI
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. BUKHARI
Poland:	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. C. GEORGESCO
	Mr. C. MITRAN
Sweden:	Mr. A. EDELSTAM
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.B. TOULINOV
	Mr. Y.C. NAZARKINE
United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL

United Kingdom:	Mr. I.F. PORTER
	Mr. W.N. HILLIER-FRY
	Mr. R.I.T. CROMARTIE
	Mr. R. HOULISTON
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. VUKOVIC
Special Representative of the Secretary-General:	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General	Mr. W. EPSTEIN

1. The CHAIRMAN (Mongolia): I declare open the 442nd plenary meeting of the Conference of the Committee on Disarmanent.

2. Before calling on the first speaker I should like, with the consent of the Committee, to discharge a very pleasant duty. This being the first plenary meeting of the Committee since the commencement of the historic experiment now being carried out by a large group of Soviet cosmonauts in outer space, I should like to congratulate warmly Ambassador Roshchin and the Soviet delegation, as well as the Government and people of their great country, on this brilliant exploit. According to reports, this experiment will lead to the beginning of man's real creative and constructive work in outer space and thus open a new era in the efforts for the peaceful conquest of that challenging domain. We wish those brave space-builders good luck, every success and a happy landing.

3. Mr. NAKAYAMA (Japan): First of all I should like to associate myself with those representatives who have spoken earlier in congratulating our co-Chairmen on their achievement in submitting to us the text of a draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269). I should like to thank the co-Chairmen for their dedicated efforts which have made this important development possible. We believe that this draft treaty will serve as a useful basis for discussion and negotiation. We are prepared to continue to co-operate in formulating a text acceptable to all States parties concerned.

4. Our preliminary views on the question of the prevention of the arms race on the sea-bed were presented by Mr. Asakai at the meeting of the Committee on 17 July, in which he said:

> "It is our appeal to members of this Committee that we should try our utmost to explore every opportunity to diminish and to eliminate the terrors of nuclear weapons. We have such an opportunity now, right under our feet -- on the sea-bed and the ocean floor. All that leads us to our primary consideration of what we ought to do now: stop the spread of the nuclear arms race to the sea-bed and the ocean floor, whether it be under the high seas or under the territorial seas."
>
> (ENDC/PV.420, para.7)

In the light of that basic stand I wish to comment on the draft treaty.

(Mr. Nakayama, Japan)

5. I shall start with the scope of military activities to be prohibited. Paragraph 1 of article I of the draft treaty prohibits the emplanting or emplacing of any objects with nuclear weapons and other weapons of mass destruction on the sea-bed. We are glad to see that the co-Chairmen have come to an agreement on a measure to diminish the terrors of nuclear weapons. However, this stipulation should not mean the end of our further efforts in this field of disarmament. In this connexion we welcome the third preambular clause, which stipulates that the States parties to the treaty are -

> "Convinced that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race, and determined to continue negotiations concerning further measures leading to this end," (CCD/269)

The Japanese Government, too, thinks that we should continue our efforts towards the enlargement of the scope of prohibition after this treaty has come into force.

6. I should like now to proceed to the geographical area to be covered by the treaty. Paragraph 1 of article I of the draft treaty exempts the sea-bed, the ocean floor and the subsoil thereof within twelve miles of the coast of a State from the area of prohibition. Mr. Asakai asserted on 17 July that the treaty should cover the entire area of the sea-bed and the ocean floor (ENDC/PV.420, para.14). However, a number of the members of this Committee have pointed out the difficulties involved in the verification to be carried out under the territorial sea. Although our views have not changed, we do not wish to delay unduly the conclusion of this treaty by our insistence on that point. However, we have no intention of emplanting or emplacing nuclear weapons on the sea-bed under our territorial sea in accordance with our fundamental policy in the nuclear field. We earnestly hope that other States also will voluntarily abstain from emplanting or emplacing nuclear weapons on the sea-bed under their territorial seas until such time as the sea-bed under the territorial sea is covered by the treaty.

7. Having said that, I now venture to draw the attention of the Committee to the fact that paragraph 1 of article I of the draft treaty is ambiguous enough to lead to the possible misinterpretation that a State may emplant or emplace nuclear weapons on the sea-bed between three and twelve miles off the coast of any other State which adheres to the three-mile territorial sea limit, because paragraph 1 of article I of the draft

(Mr. Nakayama, Japan)

treaty does not clearly stipulate that only the coastal State may emplant or emplace nuclear weapons on the sea-bed within its own maximum contiguous zone. To forestall such a possibility it would be a good idea to add a clause making the undertakings in paragraph 1 of this article apply also to the maximum contiguous zone of any other State within the "gap" just referred to.

8. Another problem to be solved is that which arises where the coasts of two States are opposite or adjacent to each other and the distance between the coastal lines of each of the two States is less than twenty-four miles. The 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone[1/] provides in article 24, paragraph 3 that in such case neither of the two States is entitled, failing agreement to the contrary, to extend its contiguous zone beyond the median line. However, from the standpoint that the treaty should cover as large an area of the sea-bed and the ocean floor as possible, we think it desirable that in this case the area to be covered by the treaty should be all the sea-bed.

9. We welcome the clear stipulation in paragraph 1 of article II of the draft treaty with regard to the baseline. The areas to be covered by the treaty will be measured from the baseline drawn in the manner specified in section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone. In that context we understand that the question of certain marginal waters which will arise from the implementation of the Geneva Convention and will have an important bearing on the faithful observance of the present treaty will be decided in each specific case in accordance with the rules of international law.

10. Let me now turn to the problem of verification. In the light of present technological standards we shall have to be content with the observation and consultation procedures provided for in article III of the draft treaty. We welcome paragraph 2 of article III, which guarantees that less technologically developed States will share in the verification procedures with the assistance of more advanced States; and we hope that the procedures of verification, including the setting up of international mechanism, will be examined in the light of technological developments and experience.

1/ United Nations Treaty Series, vol.516, pp. 221-223.

(Mr. Nakayama, Japan)

11. Finally, with regard to the amendment clause I wish to emphasize that article IV of the draft treaty, which gives the nuclear-weapon States privileged status, is not appropriate. The representative of the United States explained that this provision followed the precedent of the limited test-ban Treaty (ENDC/100/Rev.1).
We propose that the amendment provision of this treaty should be taken from the outer-space Treaty, which stipulates in article XV that -

"Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it." (General Assembly resolution 2222 (XXI), Annex)

12. Before I conclude my remarks, let me recall the statement made by Mr. Leonard of the United States on 7 October, in which he said "We shall need to consider the possibility of changes in the text." (CCD/PV.440, para.22) My delegation sincerely hopes that the above observations of my Government on the draft treaty will be taken into account and duly reflected in the revised draft treaty to be submitted at a later stage.
(spoke in French)

13. I should like to join the Chairman in congratulating the delegation of the USSR on the magnificent feat now being performed by the Soviet cosmonauts. I sincerely hope that the success of their exploit will contribute to world peace.

14. Mr. ESCHAUZIER (Netherlands): First of all I should like to associate myself with the words of admiration and warm appreciation which you, Mr. Chairman, and the previous speaker, the representative of Japan, have expressed on the occasion of the latest exploit of the Soviet cosmonauts. Our wholehearted congratulations go to Ambassador Roshchin and the Government and the people of the Soviet Union. Since my compatriot Hugo de Groot wrote his famous treatise "Mare liberum" in 1609, concepts of freedom and freedom in restraint -- speaking generally -- have not remained unaffected by the unforesoon developments in society, science and technology. This also applies to activities in that part of our globe which originally derived its main importance from being a means of communication between countries and continents but which ..

(Mr. Eschauzier, Netherlands)

nowadays has become an area for extensive exploration and exploitation for peaceful purposes and has also proved to be valuable for military uses.

15. My delegation is grateful that after elaborate negotiations the two co-Chairmen of this Committee have reached agreement on a draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269). We congratulate the two co-Chairmen upon this achievement. Although we recognize that this agreement represents only a step on the long and arduous road towards our final goal of general and complete disarmament, its significance should certainly not be minimized.

16. We also welcome the draft treaty as a sign of the willingness of the two main nuclear Powers to set certain limitations to their military capabilities in the nuclear field, thereby confirming and starting to fulfil the undertaking laid down in article VI of the non-proliferation Treaty (ENDC/226*), to wit: to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race. My delegation notes with satisfaction the third preambular paragraph, which expresses the determination of the two sponsors of the draft treaty to continue negotiations concerning further measures leading to the exclusion of the sea-bed and the ocean floor from the arms race.

17. I do not intend to dwell at length on the philosophy or criteria which govern or ought to govern a possible draft treaty. On this occasion I will merely indicate certain points which according to my delegation are not fully covered by the present draft or which could be improved.

18. I take it that in articles I and II the expressions "maximum contiguous zone" and "outer limit" of that zone should be interpreted as "not extending beyond twelve miles from the baseline from which the breadth of the territorial sea is measured" in accordance with part II, article 24, paragraph 2, of the Geneva Convention on the Territorial Sea and the Contiguous Zone[1/]. Perhaps it would be advisable also to mention that article in addition to part I, section II of the Convention.

1/ United Nations Treaty Series, Vol. 516, p.221.

(Mr. Eschauzier, Netherlands)

19. At this juncture I should like to associate myself with Mr. Caracciolo's observation (CCD/PV.441, para.44) that, in the event of further measures of arms control or disarmament on the sea-bed and the ocean floor, the present "geographical area" as defined in articles I and II of the draft treaty may have to be reconsidered.

20. As to article I we share the opinion of Mr. Nakayama, since we consider it to be an omission in the present draft treaty that it does not make clear that only the coastal State or such other States as are authorized by the coastal State would be entitled to emplant or emplace weapons of mass destruction within its contiguous zone. This omission creates again the well-known "gap" problem for those coastal States which, like my own country, do not claim territorial waters coincident with a contiguous zone of twelve miles. Therefore it is also the opinion of my delegation that it is preferable to avoid any ambiguity or vagueness on this point.

21. In his intervention on 7 October Mr. Leonard stated that the treaty does not affect the conduct of peaceful nuclear explosions (CCD/PV.440, para.26). In the present context and with regard to -- and here I quote from the partial test-ban Treaty, article I -- "any other nuclear explosion" (that is, which is not a nuclear weapon test explosion), I interpret that remark as a confirmation that the present draft treaty would have no effect on the partial test ban embodied in the Moscow Treaty of 1963 (ENDC/100/Rev.1), which remains fully intact.

22. My delegation attaches great importance to the words "and in accordance with international law" in article II, paragraph 1. This throws into relief the fact that coastal States cannot arbitrarily determine the outer limit of the zone referred to in article I to which the prohibition on emplacing weapons of mass destruction does not apply.

23. Let me now turn to the issue of verification. We listened with great interest to the statements on 9 October of Mr. Ignatieff (CCD/PV.441) and Mr. Caracciolo (ibid., paras. 32-41); and we have also studied carefully the Brazilian working documents ENDC/264 and CCD/267. We agree with the argument that the draft treaty is by its nature of primary concern to the nuclear Powers, but we also see the relevancy of many of the arguments put forward by others and recently so clearly expressed in the intervention of Mr. Caracciolo to which I have just referred. We therefore share

(Mr. Eschauzier, Netherlands)

the view that some form of internationalization of the verification procedure would be desirable. In our opinion this could be achieved, inter alia, by adding to article III a special reference to the already existing right of States parties to the treaty to have recourse to the Security Council in case of failure to co-operate.

24. In principle we see merit also in the Canadian proposal that coastal States should be notified of the initiation of verification procedures on the continental shelf of those States (CCD/270, para. 6(b)). The modalities of such a procedure are still to be examined more closely and should in our opinion be limited to special situations which clearly differ from observations of a routine character. We have taken note of the Canadian view that coastal states should be associated with verification only in a manner acceptable to both parties (CCD/PV.441, para.20). In this connexion we should like to state that in our view the practical problems arising with regard to verification in the environment of the sea-bed and the ocean floor are not fully comparable with those of verification procedures on the territories of sovereign states -- for instance, the safeguards or control measures of the International Atomic Energy Agency which are being discussed in the context of a comprehensive test ban.

25. I come now to another point: the review conference. In the draft treaty submitted by the United States on 22 May (ENDC/249) such a review conference was foreseen. Its purpose would be to review the operation of the treaty in order to ensure that the objectives of the preamble and the provisions of the treaty were being realized. Because of the accelerated pace at which technological developments take place, we believe that provision for a review conference similar to that provided for in the non-proliferation Treaty might serve a useful purpose. A too static approach could prove to be an impediment to the achievement of the very objectives on which we have set our sights. My delegation therefore joins others in the plea to the co-Chairmen to reconsider that point.

(Mr. Eschauzier, Netherlands)

26. Our views with regard to the right of veto for nuclear Powers in the case of amendment of the treaty are not as strong as those expressed by many others in this Committee; but we can understand the argument that nuclear Powers do not need a special right of veto because the possibility of withdrawal is open to any State if it decides that its supreme interests are at stake. We believe, on the other hand, that a treaty -- and any amendments thereto -- such as the one before us will only acquire its full significance and meaning if it is accepted and adhered to by all nuclear States.

27. Those are my preliminary remarks. In the course of our further debate I may take another opportunity to pursue my delegation's views on other aspects of the draft treaty.

28. Mr. ECOBESCO (Romania) (translation from French): On behalf of the Romanian delegation I should like to express our warmest congratulations to the delegation of the Union of Soviet Socialist Republics on the latest achievement in space of Soviet science and technology. The group flight of the three Soyuz space ships with the seven cosmonauts aboard represents a further step forward of considerable importance in the conquest of outer space by man and for the benefit of man. We wish every success to the Soviet cosmonauts in the mission assigned to them, and look forward to their safe return to earth.

29. Having been called by my Government to undertake other functions, I shall be leaving Geneva tomorrow. Before doing so I should like to say how much I have appreciated the spirit of co-operation and understanding which inspires the work of this Committee, the workmanlike and friendly atmosphere, the cogency of the arguments advanced, the moderation of the language in the discussions, the many informal contacts and the frankness which is peculiar to them. For the co-operation and the excellent relations which have been so happily established between us I should like to express my sincere thanks to the co-Chairmen of the Committee, Ambassador Roshchin and Ambassador Leonard, to all heads of delegation and to the representative of the Secretary-General, Mr. Protitch, and his assistant Mr. Epstein. The wealth of experience, the great knowledge, the wisdom and the clearsightedness which all have displayed have touched me very deeply and have been for me an example worth following as well as a powerful source of inspiration.

(Mr. Ecobesco, Netherlands)

30. My thoughts go also to the experts of the delegations and those of the Secretariat — how could I forget that it was in that capacity that I began my work here? — and to all those who, whatever their functions, interpreters, translators, verbatim reporters and typists, each day make such an important contribution to the smooth progress of the work of the Committee.

31. With the assurance that I shall keep the happiest memories of my participation in the work of this Committee, I wish you every success in your future efforts dedicated to the achievement of new agreements on disarmament. I wish all members of the Committee and their families good health, happiness and prosperity.

32. The CHAIRMAN (Mongolia): I am sure that I am expressing the sentiments of all members of the Committee when I say how much we regret the departure of Ambassador Ecobesco. I wish him every success in the important new post which he will soon be taking up, and a happy journey to his home.

33. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): Allow me to thank you, Mr. Chairman, and the representatives of Japan, the Netherlands and Romania, Ambassador Nakayama, Ambassador Eschauzier and my very good friend Ambassador Ecobesco, for the congratulations that have been expressed in connexion with the launching by the Soviet Union of three spaceships with cosmonauts aboard, and for the good wishes for their safe return at the end of their flights. We shall be glad to inform our capital of the congratulations and good wishes expressed by members of the Committee.

34. Allow me also, Mr. Chairman, to associate myself with the words of congratulation addressed by you to our colleague Ambassador Ecobesco, and to thank him for the kindly words he expressed to the members of the Committee and the co-Chairmen and for his good wishes for the success of our work. We should also like to wish him every success in his new field of activity in the high post to which he has been appointed on leaving his post as representative of Romania in the Committee on Disarmament. Allow me to express the hope that the interest which Ambassador Ecobesco has always shown in the questions which have been under consideration by the Committee will not be any the less when he has ceased to represent his country in the Committee.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 442nd plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. Zagaryn Erendoo, representative of Mongolia.

"Statements were made by the Chairman and by the representatives of Japan, the Netherlands, Romania and the Union of Soviet Socialist Republics.

"The next meeting of the Conference will be held on Thursday, 16 October 1969, at 10.30 a.m."

The meeting rose at 11.10 a.m.